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Attorneys for Defendants, Counterclaimants and  
Third-Party Plaintiffs KG HOLDINGS, LLC,  
QK HOTEL, LLC, and OR HOTEL, LLC  
("KG PARTIES")

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

SPORTS SHINKO CO., LTD.,  
Plaintiff,

vs.

QK HOTEL, LLC, et al.,  
Defendants,

and

FRANKLIN K. MUKAI, et al.,  
Third-Party Plaintiffs,  
vs.

CV 04-00124 ACK-BMK  
CV 04-00127 ACK-BMK  
CONSOLIDATED CASES  
KG PARTIES' SECOND  
AMENDED MOTION TO  
COMPEL DISCOVERY AND TO  
SET SCHEDULING ORDER;  
MEMORANDUM IN SUPPORT  
OF MOTION; LR 37.1(b)  
CERTIFICATE OF COMPLIANCE;

SPORTS SHINKO (USA) CO., LTD.,  
et al.,

Third-Party Defendants,  
and

SPORTS SHINKO (HAWAII) CO.,  
LTD., et al.,

Third-Party Defendants/  
Counterclaimants,

vs.

QK HOTEL, LLC, et al.,

Third-Party Counterclaim  
Defendants.

AND CONSOLIDATED CASE

DECLARATION OF ROBERT A.  
MARKS; EXHIBITS 1 - 13;  
CERTIFICATE OF SERVICE

**KG PARTIES' SECOND AMENDED MOTION TO COMPEL DISCOVERY  
AND FOR A SCHEDULING ORDER<sup>1</sup>**

Defendants, Counterclaimants and Third-Party Plaintiffs KG

Holdings, LLC, QK Hotel, LLC and OR Hotel, LLC ("KG Parties") hereby move this Honorable Court for an order compelling Sports Shinko Co., Ltd. to respond to certain discovery requests relating to the proof of plaintiff's status as a creditor as

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<sup>1</sup> This Motion was first amended on April 11, 2007 to take into account the dismissal of D. Hawaii CV Nos. 04-00125 ACK-BMK, 04-00126 ACK-BMK and 04-00128 ACK-BMK, pursuant to the order of the Honorable Alan C. Kay on April 5, 2006. Judge Kay's order was filed just two hours after this Motion was first filed.

The motion was further amended to place before the Court the SS Parties' failure to produce supporting documents from which the December 30, 2004 financial statements of SS-USA and its subsidiaries were prepared. These documents are critical to understanding the debtor-creditor relationships alleged in these cases.

it alleges in the complaints herein. Moreover, the KG parties seek the aid of the Court in establishing a Rule 16 Scheduling Order.

This Motion is made pursuant to Rules 16, 37(a)(2)(A) and 37(a)(3) of the Federal Rules of Civil Procedure and Rule 37.1 of the Local Rules of the United States District Court for the District of Hawaii, and is supported by the attached memorandum and exhibits and the record herein.

While the KG Parties may be entitled to recover their expenses and attorneys' fees incurred in connection with this Motion, they waive that relief, provided the KG Parties reserve all rights and remedies in connection with any subsequent motions under Rule 37 that may hereafter be filed.

DATED: Honolulu, Hawaii, May 4, 2007.

/s/ Robert A. Marks  
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